

REMARKS

Claims 3, 5-7, 9 and 11 are amended. Support for the amendments is provided at least in paragraphs [60]-[65], [72]-[74] and [127]-[138] of the applicants' specification, although the claims are not limited to those paragraphs. Claims 1-2, 8 and 24-35 have been cancelled.

I. CLAIMS 9-10 -- OBJECTIONS

The Office Action states that Claims 9-10 are objected to as dependent upon a rejected claim 1, but would be allowable if rewritten in independent form. Claim 9 is rewritten as an independent claim. Claim 10 depends from claim 9 and therefore claim 10 is in allowable condition by dependency from claim 9. Reconsideration and withdrawal of the objection is respectfully requested.

II. ISSUES RELATING TO ALLEGED PRIOR ART

A. CLAIMS 1, 3-6 AND 26-31 -- § 103: IBM, BRUCKERT, PANGRAC, BYRNE, HOSLER

Claims 1, 3-6 and 26-31 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over IBM High Availability Cluster Multi-Processing for AIX, Concepts and Facilities Guide, ("IBM") and further in view of Bruckert et al., U.S. Patent Publication No. 2002/0049859 ("Bruckert"), and Pangrac et al., U.S. Publication No. 2001/0030785 ("Pangrac"), Byrne and Hosler et al. U.S. Patent No. 6,229,787 ("Byrne") and Hosler et al., U.S. Patent Publication No. 2002/0009048 ("Hosler"). (Office Action, page 3).

CLAIMS 1 AND 26

Claims 1 and 26 have been cancelled, rendering the rejection of Claims 1 and 26 moot.

CLAIM 9

Claim 9 has been amended to overcome the objection in the Office Action, and hence, is in condition for allowance. Reconsideration is respectfully requested.

B. CLAIMS 7 AND 32 -- § 103: IBM, BRUCKERT, PANGRAC, BYRNE, HOSLER, MITTAL

Claims 7 and 32 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over

IBM-Bruckert-Pangrac-Byrne-Hosler as applied to Claims 1 and 26 above, and further in view of Mittal et al., U.S. Patent Publication No. 2004/0268112 (“Mittal”) (Office Action, page 10). The rejection is respectfully traversed.

Claims 26 and 31-32 have been cancelled, rendering the rejection of claims 26 and 31-32 moot.

Claims 6-7 depend from Claim 9, which is rewritten to overcome the objection of the Office Action. Therefore, claims 6-7 incorporate by dependency each and every feature of claim 9 and are allowable for the same reasons as claim 9. Reconsideration is respectfully requested.

C. CLAIMS 8 AND 11-23 -- § 103: IBM, BRUCKERT, PANGRAC, BYRNE,  
HOSLER, JOHN

Claims 8 and 11-23 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over IBM-Bruckert-Pangrac-Byrne-Hosler as applied to Claim 9 above, and further in view of John et al., U.S. Patent Publication 2004/0088412 (“John”) (Office Action: page 11). The rejection is respectfully traversed.

Claims 8-23 depend from Claim 9. Claim 9 is rewritten to overcome the objections of the Office Action and is in allowable condition. Therefore, claims 8-23 incorporate by dependency each and every feature of claim 9 and are allowable for the same reasons as claim 9. Reconsideration is respectfully requested.

D. DEPENDENT CLAIMS

The claims that are not discussed above depend directly or indirectly on the claims that have been discussed. Therefore, those claims are patentable for the reasons given above. In addition, each of the dependent claims separately introduces features that independently render the claim patentable. However, due to the fundamental differences already identified, and to expedite positive resolution of the examination, separate arguments are not provided for each of the dependent claims at this time.

III. CONCLUSION

For the reasons set forth above, all of the pending claims are in condition for allowance.

A petition for extension of time is hereby made to the extent necessary to make this reply timely filed. If any applicable fee is missing or insufficient, the Commissioner is authorized to charge any applicable fee to our Deposit Account No. 50-1302.

Respectfully submitted,

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